

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

**DOCUMENTATION OF LAND USE PLAN
CONFORMANCE AND NEPA ADEQUACY**

NUMBER: DOI-BLM-CO-N010-2014-0036-DNA

CASEFILE/PROJECT NUMBER: COC76435

PROJECT NAME: Williams Fork Land Company Exploration License Application

LEGAL DESCRIPTION:

T5N, R90W, 6th P.M.

Sec. 3, Lots 5-8;

Sec. 4, Lots 5-16, 18-20;

Sec. 10, Lot 4.

T6N, R90W, 6th P.M.

Sec. 26, Lots 4-6, Lots 11-14;

Sec. 27, Lots 1, 2, 5-16;

Sec. 28, Lots 2, 7-11, 14-16;

Sec. 33, Lots 1-8;

Sec. 34, All;

Sec 35, Lots 4, 5,

Containing 3,625.26 acres, more or less.

APPLICANT: Williams Fork Land Company (WFLC)

A. Describe the Proposed Action

Williams Fork Land Company proposes to drill 69 coal exploration holes into federally controlled coal in a 3,625 acre area. The surface is comprised of private surface owned by WFLC. A coal exploration license is issued for two years. This area was included in WFLC coal exploration license COC74447 that expired September 1, 2013. After geologic modelling of the drill hole data, WFLC determined that additional geologic information was needed to fill in missing information.

Access to the site and to the drill pads would be by use of existing roads, unimproved ranch roads and jeep trails. Minor road maintenance to keep the roads passable by the equipment may be required during operations. There may be limited instances where direct access to the proposed drill-site is not possible using the existing road network. In these circumstances, drilling equipment would be moved overland the short distance between the existing roadway

and proposed exploration drill pad without constructing a new road. Vehicular travel on other than established, graded and surfaced roads would be limited to that absolutely necessary to conduct the exploration activities. Travel would be confined to graded and surfaced roads during periods when excessive damage to vegetation or rutting of the land surface could result.

Drill sites would be located on gentle slopes or bench areas to minimize grading requirements. Maximum drill pad dimensions would be 100 X 100 feet. Prior to earth moving or excavations topsoil would be salvaged and stored in an area that would be undisturbed and not subject to excessive wind or water erosion. Shortly after cessation of operations at a given site, the area would be graded and topsoil replaced and the areas re-seeded with an appropriate seed mix. Excavation and re-grading would be expected to be accomplished using track dozing equipment and/or backhoes.

Shallow pits dug by a mobile backhoe would be used at the drill sites to collect the drill cuttings. Mud pits are not expected to be necessary; however, if they are required they would be excavated with a backhoe and filled and graded during the course of site rehabilitation. Any runoff and associated suspended sediment from the drill pad would be controlled and contained by a perimeter berm or silt fence on the down gradient side(s) of the drill pad. All surface disturbances and drill holes would be reclaimed to BLM standards. Excess cuttings would be leveled and dispersed evenly over the surface surrounding the hole, or cuttings may be hauled away to an approved disposal site.

The drill rig would be a truck-mounted, rubber-tired unit, capable of operating in rough terrain. Support equipment for each drill-rig would include, but not be limited to, a water truck, pipe truck and/or pipe trailer, rig-up truck, air compressor, core trailer, and two or three 4 X 4 pickups for drill-crews and company representatives. Holes would be drilled to an average depth of 286 feet and drill hole depths would not exceed 550 feet. Coal core would be collected at all drill holes. Overburden core may be collected at some sites for geotechnical evaluation.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

- Draft RMP/EIS January 2007
- Final RMP/EIS August 2010

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

DOI-BLM-CO-N010-2010-0092-EA

DOI-BLM-CO-N010-2012-0012-DNA

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact

and Environmental Assessment, March 1997.
Green River Hams Fork EIS, February 1980
Energy Policy Act, 2005
Minerals Leasing Act, 1920, as amended

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes; this exploration license application is within the boundary of the exploration license that was analyzed in the Environmental Assessment DOI-BLM-CO-N010-2010-0092 and the exploration license modification analyzed in DOI-BLM-CO-N010-2012-0012-DNA, and the area analyzed in the Green River Hams Fork EIS, and in the coal planning region of the Final RMP/EIS, August 2010. All of the stipulations and mitigation from DOI-BLM-CO-N010-2010-0092-EA would carry over to this exploration license.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes; the range of alternatives analyzed in the NEPA documents is still appropriate for the current proposed action. The current environmental concerns, interests, and resource values are essentially the same as those in 2010 and 2012. No new alternatives have been proposed by the public to address current or additional issues or concerns.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

The previous analysis remains valid. No new threatened or endangered plant or animal species have been identified within the exploration license boundary. Data reaffirms that the RMP identified all resource concerns for this exploration license.

The proposed project areas were analyzed for lands with wilderness characteristics under WO-IM 2011-154, *Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans*. Based on this analysis, no proposed project areas are subject to WO-IM 2011-154.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the Proposed Action. Impacts to all resources were analyzed.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes; direct and indirect impacts of the current proposed action are substantially unchanged from those in the existing NEPA documents. The existing NEPA documents analyzed site-specific impacts. Class III Cultural Resource Inventories have been completed on the proposed drill hole locations.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from implementation of the Proposed Action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been implemented that would change the impacts resulting from the Proposed Action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public outreach through scoping and involvement of the public and other agencies occurred during the development of the RMP/EIS. Public involvement for the Environmental Assessment DOI-BLM-CO-N010-2010-0092 also occurred through the Little Snake Field Office NEPA log and through a Federal Register Notice and newspaper notices. A newspaper legal advertisement for the Notice of Invitation for the exploration license has been published per the regulations and a Federal Register Notice of the Notice of Invitation will be published.

E. Interdisciplinary Analysis: Identify ID team conducting or participating in the preparation of this worksheet.

| Title | Resource Represented | Date |
|---------------------------------|--|-------------|
| Ecologist | Air Quality, Floodplains, Prime/Unique Farmlands, Surface Water Quality, Wetlands/Riparian Zones | 7/10/2014 |
| Archaeologist | Cultural Resources, Native American Concerns | 9/8/2014 |
| Realty Specialist | Environmental Justice | 6/12/14 |
| Mining Engineer | Hazardous Wastes | 6/18/14 |
| Rangeland Management Specialist | Invasive Non-native Species | 6/9/14 |
| Rangeland Management Specialist | Sensitive Plants, T&E Plant | 6/5/2014 |
| Wildlife Biologist | T&E Animal | 6/9/14 |

| | | |
|-------------------------------|--|---------|
| Petroleum Geologist | Ground Water Quality | 6/18/14 |
| Outdoor Recreation Specialist | WSAs, W&S Rivers, Lands with Wilderness Characteristics, ACECs | 6/5/14 |

STANDARDS:

| Title | Standard | Date |
|---------------------------------|----------------------------|-------------|
| Wildlife Biologist | Animal Communities | 6/9/14 |
| Wildlife Biologist | Special Status, T&E Animal | 6/9/14 |
| Rangeland Management Specialist | Plant Communities | 6/23/14 |
| Rangeland Management Specialist | Special Status, T&E Plant | 6/5/2014 |
| Ecologist | Riparian Systems | 7/10/2014 |
| Ecologist | Water Quality | 7/10/2014 |
| Ecologist | Upland Soils | 7/10/2014 |

CULTURAL RESOURCES

Federal agencies are mandated by various laws to consider the effect of proposed land use activities on cultural resources (i.e. historic and archaeological sites). The National Environmental Policy Act directs the federal government to preserve important historic and cultural aspects of the national heritage. The National Historic Preservation Act (NHPA) requires federal agencies to take into account the effect of federal undertakings on cultural resources that are eligible for inclusion in the National Register of Historic Places (NRHP). Approval of an exploration license to drill core holes constitutes a federal undertaking because it requires a permit to be issued by BLM. In Colorado, the requirements of the NHPA are implemented under the terms of the Protocol Agreement between the Bureau of Land Management and the State Historic Preservation Officer. An undertaking may be authorized by a BLM field office if it is determined that there will be “no effect” or “no adverse effect” to sites that are either eligible to the NRHP or are in need of more information to determine eligibility (so-called “need data” sites).

Cultural resources within the area of the core hole drilling program were discovered, recorded, and evaluated for eligibility during three block surveys conducted for two permit revisions and one coal lease modification areas within which the core holes are located (Conner et al. 2013a, Conner et al. 2013b, Conner et al. 2014). Seven “need data” sites were recorded during the three block surveys. The current plan for development of federal coal reserves in the area is to drill core holes to assess the thickness and depth of coal deposits and then to approve mining within the areas covered by the permit revisions and lease modification.

The seven “need data” sites must be avoided by the coal drill holes. After the core holes are drilled, the sites will be test excavated to determine if they are (or are not) eligible sites as part of cultural resource work to be done for the permit revisions and lease modification. “Need data sites located during the surveys include one historic homestead (site number 5MF319); three open prehistoric campsites (site numbers 5MF7762, 5MF7794, and 5MF7795); one site with

possible prehistoric rock features (5MF7727); and two sites thought to contain wickiups, which are historic wooden habitation structures made by Native Americans in historic and protohistoric times (5MF7691 and 5MF7692).

A map provided by the Williams Fork Mining Company that indicates that two core holes in particular are close to sites, one being the historic homestead (5MF319) and another being one of the open prehistoric campsites (5MF7965). Williams Fork Mining Company is the subsidiary of Trapper Mining that does coal deposit exploration for the mine. A meeting with representatives of Trapper Mining and Williams Fork Mining Company was held to share information on the location of the two sites to ensure they will be avoided by core hole drilling.

References Cited

Conner, C. E., C. Martin, B. Davenport, and H. Mills

2013a Class III Cultural Resources Inventory of a Lease Modification Area (860 Acres) in Moffat County, Colorado for Trapper Mining, Inc. Report prepared by Grand River Institute, Grand Junction, Colorado for Bureau of Land Management, Little Snake Field Office, Craig Colorado.

Conner, C. E., C. Martin, B. Davenport, and A. Dieterich

2013b Class III Cultural Resources Inventory of a Lease Modification Area (752 Acres) in Moffat County, Colorado for Trapper Mining, Inc. Report prepared by Grand River Institute, Grand Junction, Colorado for Bureau of Land Management, Little Snake Field Office, Craig Colorado.

Conner, C. E., C. Martin, B. Davenport, and H. Mills

2014 Class III Cultural Resources Inventory of a Lease Modification Area (1752 Acres) in Moffat County, Colorado for the Williams Fork Land Company, Inc. Report prepared by Grand River Institute, Grand Junction, Colorado for Bureau of Land Management, Little Snake Field Office, Craig Colorado.

NATIVE AMERICAN CONCERNS

Two sites with possible wickiups were recorded as 5MF7691 and 5MF7692 during one of the cultural resource surveys discussed above (Conner et al. 2014) and are sites that might be of concern to Native Americans. Wickiups are habitation structures constructed by historic tribes of northwest Colorado and surrounding regions. Wooden poles were positioned in a conical fashion to serve as the framework for a structure thought to have been covered with hides or brush to form a shelter. Often, living trees were incorporated into the construction of wickiups for support. The proposed core holes will not affect the two sites with possible wickiups. Proposed holes will avoid the sites and will also not be visible from the sites.

The National Historic Preservation Act, requires land managing agencies to consult with Native Americans regarding the effect of federal undertakings on sites that might be of concern to tribes who historically inhabited the area, "...to ensure that tribal values are taken into account to the

extent feasible.” BLM’s future consideration of the permit renewal area that contains the two sites with possible wickiups will therefore include soliciting input from tribal representatives of the Utes and the Shoshone.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM’s compliance with the requirements of NEPA.

Signature of Lead Specialist _____ Date _____

Signature of NEPA Coordinator _____ Date _____

Signature of the Authorizing Official Amy Carmichael for, Date 09/18/14
Wendy Reynolds, Field Manager

Note: The signed Conclusion on this document is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision.